IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.547 OF 2006
AND
CIVIL APPLICATION NO.548 OF 2006
IN
WRIT PETITON NO.4012 OF 1991

The Municipal Corporation of
Greater Bombay ..Petitioner.

V/s.

Jangbahadur Singh Gokaran Singh & Ors. ..Respondents.

Mrs.R.N.More i/b.Crawford Bayley & Co. for petitioner.

Ms.Sangita Lidkar i/b. Neeta Karni for respondents.

CORAM : V.C.DAGA, J.

DATED : 24TH MARCH, 2006.

P.C. :-

Heard the learned counsel for the petitioner. This petition came to be dismissed against the respondent No.1 (contesting respondent) by the order of the Additional Registered dated 10/10/1996. Civil application No.4360 of 1997 for setting aside the above order also came to be dismissed for want of prosecution vide order dated 10/11/20003. The impugned order, therefore, became final against the petitioner Corporation.

2. Petitioner - Corporation has now moved Civil

Application No.547 of 2006 and another Civil Application No.548 of 2006 praying for setting aside the order dated 10/10/1996 and seeking condonation of delay in moving the Civil Application No.547 of 2006.

3. C.A. No.547 of 2006 appears to have been filed after 9 years and 91 days. No ground is made out for condonation of delay. Needless to mention that earlier application for similar relief came to be dismissed for want of prosecution. In the application itself the petitioner-Corporation have stated that Writ Petition has become infructuous and it be accordingly disposed of.

4. The learned counsel appearing for the Municipal-Corporation also reiterated the said submission. In this view of the matter, the Civil Applications are disposed of as no case is made out to grant to grant those applications.

5. The Writ Petition is also stands dismissed in view of dismissal of the petition against the contesting respondent way back in the year 1996. As on date, the petition does not survive and the same is dismissed accordingly with no order as to costs.

6. The undertaking given by the petitioner stands

cancelled.

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